

Notice of Allowability

Application No.

10/069,299

Examiner

Callie E. Shosho

Applicant(s)

GATTI, LOUIS F.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/12/04.
2. ☒ The allowed claim(s) is/are 1,3-6,14,16 and 17.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Statement of Reasons for Allowance

1. In the office action mailed 1/21/04, claims 1, 3-6, 14, and 16-17 were indicated as allowed while claims 7 and 9-10 were rejected.

In response, in the amendment filed 8/12/04, applicant cancelled claims 7 and 9-10.

Thus, present claims 1, 3-6, 14, and 16-17 are allowable over the "closest" prior art for the reasons set forth in paragraph 4 of the office action mailed 1/21/04 and restated below:

Smigerski et al. (U.S. 4,788,231) disclose tire tread comprising 100 parts diene-based elastomer and filler comprising 40-250 phr carbon black and 0.1-6.5 phr zinc sulfate. However, there is no disclosure or suggestion regarding the mean particle size of the zinc sulfate and thus, no disclosure or suggestion that the zinc sulfate has mean particle size of from about 0.5 to about 1 microns as required in present claims 1 and 3-6.

Young (U.S. 5,063,268) discloses tire tread comprising 25-40% diene based elastomer, 20-50% carbon black, and 3-015% titanium dioxide and silica. However, there is no disclosure or suggestion regarding the mean particle size of the titanium dioxide and thus, no disclosure or suggestion that the titanium dioxide has mean particle size of from about 0.5 to about 1 microns as required in present claims 14 and 16-17.

Kuan (U.S. 4,237,173), which is drawn to tire composition, discloses the use of titanium dioxide with particle size of 0.1-0.5 microns. However, Kuan is drawn to composition for tire sidewall not tire tread as required in present claims 14 and 16-17. Further, Kuan discloses particle size of titanium dioxide with no disclosure of mean particle size of titanium dioxide as

required in present claims 14 and 16-17. Further, there is no disclosure in Kuan of diene-based elastomer as required in present claims 14 and 16-17.

Thus, it is clear that Smigerski et al., Young, and Kuan, either alone or in combination, do not disclose or suggest the present invention.

In light of the above, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
10/22/04